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NO._____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

ROY SNEAD, JR., SHERIFF, AND
FORREST DOBBINS, CLERK OF THE
CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA,

Petitioners

V.

J. L. STRINGER, ALSO KNOWN AS
REV. JUDGE L. STRINGER,

RESPONDENT

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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ATTORNEYS FOR PETITIONERS

QUESTIONS PRESENTED

1. Where a public official is under indictment and remains active in office pending trial, do the constitutional rights of such an official as an indictee extend to public records in his custody by reason of his office so that a prosecutorial officials must receive the consent of the indictee's attorney before contacting the indictee concerning such records?

2. Does the rule of Massiah v. United States (377 U.S. 201 [1964]) apply to statements of indictees which are not intentionally elicited?

3. In a habeas corpus action by a State prisoner under 28 U.S.C. 2254, may a Federal District Court set aside a state court finding that certain evidence was sufficient to take a question of

state law to the jury, where there is substantial evidence in support of such point?

PARTIES

In the United States District Court for the Middle District of Alabama and the United States Court of Appeals for the Fifth Circuit the parties were J. L. Stringer, Respondent herein, and Roy Snead, Jr., Sheriff, and Forrest Dobbins, Clerk of the Circuit Court, of Calhoun County, Alabama, Petitioners herein. The real party in interest was and is the State of Alabama.

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OPINIONS BELOW

None of the opinions of the lower Federal Courts are published.

The judgment and opinion of the United States District Court is submitted as Appendix "A" hereto.

The orders without opinions of the United States Court of Appeals are submitted as Appendix "B" hereto.

JURISDICTION

The order of the United States Court of Appeals affirming without opinion the District Court's granting of the writ was issued on March 4, 1981. Rehearing was denied on April 9, 1981, and this petition is filed within ninety days of that date.

The jurisdiction of this Honorable Court is invoked under 28 United States Code, Section 1224 (1).

CONSTITUTIONAL PROVISIONS INVOLVED

The Sixth Amendment to the Constitution of the United States, in particular that portion which reads:

> "In all criminal prosecutions, the accused shall enjoy the right. . .to have the Assistance of Counsel for his defense."

The Fourteenth Amendment to the Constitution of the United States, in particular that portion which reads:

> "SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or

property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

At all times relevant to this case, the Respondent, Rev. Judge L. Stringer, was Mayor of Hobson City, Alabama.[1] In 1977 Mayor Stringer was indicted by the Grand Jury of Calhoun County, Alabama, for forging the endorsement on a check issued by Hobson City and for embezzeling the proceeds of the check. Mayor Stringer's plea was not guilty. (Respondents' Exhibit "A," pages 256-257 and 259)[2]

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[1]Hobson City's 1970 population was 1,124 persons. Population Tables, Vol. 14B, Code of Alabama, 1940 (recomp. 1958)

[2]No record page numbers are marked on this Exhibit "A.", which is the state trial transcript. For this reason the page references are to those of the State transcript which are marked and, therefore, should be more convenient to this Honorable Court.

On the trial of the cause, as the last State's witness, the District Attorney was called to the stand to testify. The jury was excluded and the State trial court conducted a full hearing on the matter at issue in this case. The District Attorney testified that after the indictment had been returned, although he could not remember the exact date, he called Mayor Stringer at the Mayor's office on the telephone and inquired about the possibility of obtaining handwriting exemplars from city records. The Mayor stated that the District Attorney was welcome to the records. The Mayor went on and volunteered that it was not necessary, because he had signed the endorsement in question.[3] The trial judge asked the defense if they wanted to call any

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[3]The admissibility of this volunteered unsolicited statement by Mayor Stringer is the basic issue in this litigation.

witnesses; the offer was declined. The trial court overruled Mayor Stringer's objection which was based on the failure to give Miranda warnings and the evidence was permitted to go to the jury. (Respondents' Exhibit "A," pages 112-121)

Mayor Stringer was acquitted of forgery of the endorsement but convicted of embezzlement and sentenced to one (1) year and one (1) day imprisonment. (Respondents' Exhibit "A," pages 282-283)

Appeal was taken to the Court of Criminal Appeals of Alabama, which affirmed the conviction. With regard to the matters at issue here the Court of Criminal Appeals found that Mayor Stringer's admission was volunteered[4]

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[4]". . .the admission was a volunteere' statement, not in response to a question calling for such an answer. . ." Stringer v. State, (Cr. App. Ala., 1979) 372 So. 2d 378, 382; App. "C," p. 27a.

and, in any event, its admission, if error, was harmless.[5] Stringer v. State (Cr. App. Ala., 1979) 372 So. 2d 378; Appendix "C". In deciding the harmless error question, the Alabama Court of Appeals took for granted the proposition that, even without the testimony of the District Attorney, the evidence against Mayor Stringer was sufficient to present a case for the jury.[6]

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[5]. . ."Moreover, the Appellant [Mayor Stringer] testified at trial that he signed William Malone's name to the check. In fact his whole defense was that he had Malone's permission to sign the check. . . ." Ibid 372 So. 2d 378, 383; App. "C," p. 31a

[6]The Opinion discusses the evidence at two points: In a general digest (372 So. 2d 378, 379-380; App. "C," pp. 15a-17a) and in analyzing the sufficiency of the evidence. (372 So. 2d 378, 383; App. "C" pp. 32a). At neither point does the opinion mention the District Attorney's testimony, although the Court of Appeals was well aware of it. (e.g. 372 So. 2d 378, 381-383; App. "C," pp. 22a-32a)

Review was sought in and denied by the Alabama Supreme Court. Ex parte: Stringer (S. Ct. Ala., 1979) 372 So. 2d 384, App. C, p. 36a.

On October 19, 1979, the instant proceedings were initiated in the United States District Court for the Northern District of Alabama. On October 22, 1979, the Respondents were ordered to show cause why the writ should not issue. In response, the Respondents avered that Mayor Stringer's admission was volunteered and that the introduction of the evidence was harmless because, (1) the Mayor admitted endorsing the check incident to his defense and (2) the Mayor was acquitted of forgery. (R. pp. 1-14)

The Respondents also submitted the entire transcript of State proceedings. (Respondents' Exhibit "A.")

On January 14, 1980, the United States Magistrate recommended that the writ be issued. (R. pp. 38-44)

The Respondents objected to the Magistrate's recommendation. (R. pp. 48-52)

On May 1, 1980, the District Court rejected the magistrate's findings that the District Attorney's telephone call was "ostensibly" for the obtaining of handwriting exemplars. The Court expressly found that the District Attorney had no "improper motive" in making the telephone call. (R. p. 55) However, the court ordered the writ issued, because the court held that Massiah v. United States (377 U.S. 201 [1964]) barred all counselless contacts of indictees by prosecutorial officials. (R. pp. 53-57) The District Court also found that the District Attorney's evidence was harmful

because without that testimony there was allegedly not sufficient evidence to take the case to the jury. (R. pp. 53-57, Appendix "A," pp. 2a-10a)

Appeal was taken to the United States Court of Appeals for the Fifth Circuit raising the matters at issue here. On March 4, 1989, the U.S. Court of Appeals affirmed ". . .for the reasons set forth in the District Court's memorandum opinion. . . ." (Appendix "B", pp. 11a-12a)

The Respondents' applied for rehearing en bank, which was denied on April 9, 1981. (Appendix "B", pp. 12a-14a)

STATEMENT OF THE FACTS

In the interest of brevity, the Respondents will rely on the facts as stated by the District Court, adding only

those essential facts shown without conflict and not mentioned by the District Court.

I.

ON THE CONSTITUTIONAL ISSUES

The District Attorney testified that he called Mayor Stringer at his office at city hall about the possibility of obtaining handwriting exemplars from city records. He testified in pertinent part as follows:

> "Q. Would you relate the substance of that conversation to us, please, sir, what the purpose of your call was?
>
> "[A.] I asked Mayor Stringer if he would be willing to, through records down there at City Hall, provide me with samples of his handwriting and Donald Malone's handwriting and William Malone's handwriting. . . ." (Respondents' Exhibit "A," page 119)

* * * *

"Q. What was Mayor Stringer's reply to you, please?

"A. He was willing to give me those records. He said that I was welcome to have whatever records that I wanted but he said he felt like it was unnecessary because he had signed William Malone's name to the back of the check as well as his own. . . ." (Respondents' Exhibit "A," page 120)

On this point the District Court found:

"...Briefly stated, the prosecuting attorney contacted the petitioner directly by telephone to ascertain the availability of handwriting exemplars of the petitioner. During this conversation, the petitioner admitted to the prosecuting attorney that the petitioner himself placed the questioned payees' endorsements on the checks in question. In his Recommendation to this court, the magistrate characterized the prosecuting attorney's call to the petitioner in the following manner. The magistrate stated that the prosecuting attorney called the petitioner for the ostensible purpose of securing handwriting exemplars. The respondents strenuously object to characterizing this call as "ostensible." To this extent,

the objection by the respondents is sustained. This court concludes that the magistrate chose an incorrect adjective to describe the purpose of the call made by the prosecuting attorney. This court finds that there was no improper motive in the prosecuting attorney's contacting petitioner. The court also concludes that there is no reason to consider any alleged question of ethics as urged by petitioner's attorney in this action. . ." (Respondent's Appendix "A," pp. 8a-9a)

II.

ON HARMLESS ERROR

On this issue the District Court found:

"...This court has reviewed a transcript of the testimony at petitioner's trial and finds in accordance with the magistrate's Recommendation that the witnesses for the prosecution Robert Wayne Underwood, William A. Malone, Billy W. Moore and Donald Ray Malone establish the following essential facts and none other. The checks in question which were the basis for Forgery and Embezzlement charges against the petitioner were negotiated and each check contained the signature of the

> payee and petitioner J. L. Stringer. The payees denied receipt of any proceeds and denied authorizing anyone to endorse the checks in their names. The petitioner in a pretrial interview denied any responsibility for the questioned endorsements...." (Appendix "A," p. 5a)

To this, the following must be added:

The interview which the District Court referred to was in fact a four way conversation between Mayor Stringer, his lawyer and two state investigators; it was not only "pre-trial" but pre-indictment and pre-arrest as well. The interview required twelve transcript pages to transcribe. (Respondents' Exhibit "A," pages 70-81) In this interview Mayor Stringer not only "denied any responsibility for the questioned endorsements," but stated:

1. The check in question was issued over his signature as Mayor. (Respondent's Exhibit "A," page 73)

2. The first endorsement, "William Malone," was either signed by William Malone or his brother Don Malone. (E.g., Respondent's Exhibit "A," pages 71-72 and 74)

3. The second endorsement was by himself, Mayor Stringer. (Ibid)

4. Most importantly, the Mayor acknowledged depositing the checks in his own account. The Mayor stated:

> "VOICE #1 [Investigator Simpson]: All right, Mayor, I'm going to ask you one more question here. On the back of those checks, your signature appears on them. Did you cash those checks, or how did your signature come to appear as the last endorser on those checks before they went to the bank?
>
> "VOICE #2 [Mayor Stringer]: Because of, in most instances, at that time those funds in that particular account, if you will check the bank statements, I'm sure that the dates that

> those checks were written, chances are there was not enough funds in that account. I cashed those funds out of my pocket and, in turn, when the City---We knew that we owed the grant their money, so once the City got the money, and I authorized my secretary to replace the funds back in there so we could clear that particular grant out, and I would run those checks through, so that's how my name appears on the checks." (Respondents' Exhibit "A," page 77)

SUMMARY OF THE ARGUMENT

I. An accused public official's constitutional rights as an accused person do not extent to public records under his control by reason of his office. Constitutional rights are personal. Alderman v. United States, 394 U.S. 165, 174, 22 L. Ed. 2d 176, 187, 89 S. Ct. 961 (1969); Communist Party, etc. v. Subversive Activities Control Board, 367 U.S. 1, 107, 6 L. Ed. 2d 625, 695, 81 S. Ct. 1357 (1961) To extend the Constitutional

rights of accused public officials to the incidents of their offices would give such officials control over their prosecutions which is denied by the ordinary accused, contrary to the Constitutional policy of our nation. This Honorable Court has never had and will seldom have an opportunity to address this important Constitutional question.

II. The holding in this case extends the rule of Massiah v. United States to an admission which was neither solicited nor expected. This is contrary to the plain language of this Honorable Court in: Massiah v. United States (377 U.S. 201, 206, 12 L. Ed. 2d 246, 250, 84 S. Ct. 1119 [1964]) and numerous other cases.

III. There was, outside of the District Attorney's testimony, strong evidence from which a rational trier of

fact could have found Mayor Stringer guilty, and the State courts so found. In holding that the District Attorney's evidence was harmful to Mayor Stringer even though the Mayor admitted the substance of the District Attorney's testimony, the District Court rejected the State court finding on the sufficiency of the evidence. In so doing the District Court ruled contrary to this Honorable Court's opinion in Jackson v. Virginia (443 U.S. 307, 319; 61 L. Ed. 2d 560, 573; 99 S. Ct. 2781 [1979]).

ARGUMENT

I.

AN INDICTED PUBLIC OFFICIAL'S RIGHTS AS AN ACCUSED PERSON DO NOT EXTEND TO PUBLIC RECORDS UNDER THE OFFICIAL'S CONTROL BY REASON OF HIS OFFICE

Mayor Stringer chose to remain active in his Office during the pendency of the indictment. It was this situation which led the District Attorney to call Mayor Stringer about the city records. That the District Attorney's call was about city records has never been seriously questioned, and the District Court expressly found that the District Attorney had no "improper motive" in calling Mayor Stringer. (R. p. 55) Yet, the District Court held that Massiah v. United States (377 U.S. 201, 12 L. Ed. 2d 246, 84 S. Ct. 1119 [1964]) bars all counselless contacts with indictees and that the District Attorney should have gotten the consent of Mayor Stringer's

attorney before contacting the Mayor about public records.

When seeking public records of small towns, such as Hobson City, Alabama, one normally contacts the mayor. If one were to contact anyone else, he would be referred to the mayor. Thus, if the Mayor had not been under indictment, no question would have been raised by the District Attorney's call; it would have been the normal, natural thing to do. On the other hand, if the call had produced only the records the District Attorney sought, would anyone have suggested that the records would not have been admissible? Constitutional rights are personal, and Mayor Stringer's rights obviously did not extend to public records under his control by reason of his office. Alderman v. United States, 394 U.S. 165, 174, 22 L. Ed. 2d 176, 187, 89 S. Ct. 961 (1969); Communist Party of The United

States v. Subversive Activities Control Board, 367 U.S. 1, 107, 6 L. Ed. 2d 625, 695, 81 S. Ct. 1357 (1961). Clearly, these records would have had no more constitutional protection than Mayor Stringer's own bank records. See United States v. Miller, 425 U.S. 435, 48 L. Ed. 2d 71, 96 S. Ct. 1619 (1976)

The holding of the District Court and the Court of Appeals in this case has the effect of extending the Massiah Rule to public records which are in the custody of an indictee by reason of a public office. By necessary implication, all other constitutional rights would be similarly extended. Thus, an indicted public official, having no Fourth Amendment rights with regard to his own bank records (Miller, above), would have Fourth Amendment rights with regard to public records in his custody by reason

of his office. This would give indicted public officials control over their prosecutions which is denied to the ordinary accused. It would grant to public officials personal constitutional privileges contrary to the clear policy of the Constitution. See, for example, U.S. Constitution, Art. 1, Section 9, Clause 8 and The Equal Protection Clause of the Fourteenth Amendment.

REASON FOR GRANTING THE WRIT: NOVEL QUESTION

None of this Honorable Court's decisions on the Massiah Rule relate to public officials or public records. In fact, the Petitioner has not been able to find a single case on this point anywhere in the country. In the instant case the Petitioner tried diligently to get the District Court and the Court of Appeals to address the obvious difference between

a private citizen who is covertly interrogated while free on bond[7] or in jail[8] or overtly interrogated in the back of a speeding police car[9] and a Mayor who is openly contacted by telephone at his office about public records. Yet, both Courts declined to examine this obvious distinction.

The chances are that it will be a long time before this Honorable Court gets another oportunity to address these questions. Yet, as discussed above, at issue here are some of our most basic constitutional policies. The question of a public official's Constitutional rights with regard to public records is an

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[7] Massiah v. United States, 377 U.S. 201, 12 L. Ed. 2d 246, 84 S. Ct. 1199 (1964)

[8] United States v. Henry, ___ U.S. ___, 65 L. Ed. 2d 115, 100 S. Ct. ___ (1980)

[9] Brewer v. Williams, 430 U.S. 387, 51 L. Ed. 2d 424, 97 S. Ct. 1232 (1977)

extremely important one, which cries out for resolution.

II.

THE MASSIAH RULE DOES NOT APPLY TO STATEMENTS WHICH ARE NOT INTENTIONALLY ELICITED

The District Court erred in two ways with regard to the Massiah Rule. First, the District Court viewed Massiah as barring all uncounseled contacts between indictees and prosecutorial officials. Second, the District Court viewed Massiah as an exclusionary rule rather than a rule of substance.[10]

REASON FOR GRANTING THE WRIT: CONFLICT WITH PRIOR DECISIONS

The evidence in this case showed without conflict that the District

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[10]If the Massiah Rule is an exclusionary rule it could not be raised by habeas corpus; Stone v. Powell, 428 U.S. 465, 49 L. Ed. 2d 1067, 96 S. Ct. 3037 (1976).

Attorney called Mayor Stringer about public records and received an unsolicited and unexpected admission against interest. The District Court and Court of Appeals found that allowing this admission into evidence violated Massiah v. United States 377 U.S. 201, 12 L. Ed. 2d 246, 84 S. Ct. 1199 [1964]).

The key to the decisions of the lower courts is the idea that Massiah bars all counselless contacts between indictees and prosecutorial officials. Yet, the only time this Honorable Court has ever mentioned contacts other than for the purpose of obtaining a statement was in footnote 14 of the United States v. Henry (___ U.S. ___, 65 L. Ed. 2d 115, 125, 100 S. Ct. ___ [1980]). On that occasion this court prefaced the reference with: "Although it does not bear on the Constitutional issues in this case. . ."

The Massiah Rule was stated thusly:

> ". . .We hold that the petitioner was denied the basic protections of that [Sixth Amendment] guarantee when there was used against him at his trial evidence of his own incriminating words, which federal agents had deliberately elicited from him after he was indicted and in the absence of his counsel. . . ." (377 U.S. 201, 206, 12 L. Ed. 2d 246, 250) (Emphasis supplied)

In Massiah and every case following it this Honorable Court has gone to lengths to point out that it was the intentional elicitation of the statement which violated the Constitution not the mere contact. See Massiah v. United States (377 U.S. 201, 206, 12 L. Ed. 2d 246, 250, 84 S. Ct. 1119 [1964]); Brewer v. Williams (430 U.S. 387, 399 ff, 51 L. Ed. 2d 424, 436 ff, 97 S. Ct. 1232 [1977]) and United States v. Henry (___ U.S. ___, 65 L. Ed. 2d 115, 122 ff., 100 S. Ct. ___ [1980]) If what was intended by Massiah

was the barring of all contacts, it would seem that this Honorable Court would have said so, rather than discussing the problem of deliberate elicitation in case after case.

In the instant case, the District Attorney contacted Mayor Stringer in the lattor's capacity as mayor about city records. The District Attorney's question involved a matter of city administration not law. The inquiry was by telephone between two public officials each in his respective office. The nature of the inquiry was not such as would cause the Mayor to have to cope with legal problems or meet an adversary situation. See United States v. Ash, 413 U.S. 300, 37 L. Ed. 2d 619, 93 S. Ct. 2568 (1973) The Mayor responded to the inquiry, and then, added the admission at issue here. The admission was neither solicited nor ex-

pected. However "intentional elicitation" is defined, what happened here falls well beyond that definition.

In holding that ther Massiah Rule barred the introduction of this patently unsolicited admission, the Honorable Courts below ruled contrary to the prior decisions of this Honorable Court.

III.

THE DISTRICT COURT ERRED IN SETTING ASIDE THE STATE COURT FINDING OF HARMLESS ERROR ON STATE LAW GROUNDS

The question of harmless error as to a Federal Constitutional right is normally a Federal Question. However, in the instant case we have the situation where the State offers questionable evidence to prove "x" and the Defendant admits "x." This is classic harmless error under any standards. Yet, in the instant case, the District Court found that

District Attorney's evidence was harmful even though it proved only a fact that Mayor Stringer later admitted. To reach this conclusion, the District Court found that without the District Attorney's testimony, there would not have been sufficient evidence to take the case to the jury. In so ruling the District Court rejected the finding of the State Courts on this same point. And, the question of the sufficiency of the evidence is basically a question of State law.

In arriving at this conclusion, the District Court took the twelve page transcript of Mayor Stringer's pre-arrest interview and reduced it to a sentence: ". . .The petitioner in a pretrial interview denied any responsibility for the questioned endorsements. . . ." (Appendix "A," pp. 5a-6a) If this interview was limited to a denial of responsibility for the endorsement, it would not have

been admissible in the case by either party. From Mayor Stringer's point of view, it would have been an extra judicial self-serving declaration; from the State's point of view, it would have been exculpatory only. But, this interview contained much, much more. In it, Mayor Stringer traced the check from its issuance by him for the City until he deposited it in his account. This interview was the center piece of the State's case. The State's case consisted of the transcript of this interview and other evidence showing that the Mayor's statement was true at some points (i.e. The Mayor did issue the check for the City and did ultimately deposit it in his account and receive credit for it.) And false at others (i.e. The check was not for a city obligation and neither William nor Don Malone ever endorsed the check, recieve any value for it or even see the

check before Mayor Stringer deposited it.) Proof that a public official drew a check on public funds for a non-existent obligation and deposited it in his account, would seem to be well sufficient to prove embezzlement. As to the forgery case: The fact that the Mayor had claimed in his interview that either William or Don Malone endorsed "William Malone" on the check before Mayor Stringer deposited it, coupled with the denials of the Malone brothers, would seem sufficient to take the forgery case to the Jury. The District Attorney's evidence may have made the forgery case a bit stronger, but Mayor Stringer was acquitted of forgery!

Most importantly, the State courts considered the sufficiency of the evidence and found it sufficient <u>without the District Attorney's testimony</u>. <u>Stringer v. State</u> (Cr. App. Ala., 1979)

372 So. 2d 378, 383; Appendix "C" p. 32a).

REASON FOR GRANTING THE WRIT: CONFLICT WITH PRIOR DECISIONS

This Honorable Court has often recognized that the question of the sufficiency of the evidence is a question of state law. Most recently in Jackson v. Virginia (443 U.S. 307, 61 L. Ed. 2d 560, 99 S. Ct. 2781 [1979]) this Honorable Court set the Constitutional standard for evidence sufficient to take a case to the jury:

> ". . .[T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (443 U.S. 307, 319, 61 L. Ed. 2d 560, 573)

Clearly, the evidence outlined above would have authorized a rational trier of

fact in finding embezzlement. The State Courts found this evidence sufficient, without reference to the prosecutor's evidence. The District Attorney's evidence was not essential to the State's making out a prima facie case; and the State Courts so found. Therefore, the District Court ruled contrary to the prior rulings of this Honorable Court in setting aside the State Court finding of sufficiency.

CONCLUSION

In conclusion the Petitioners respectfully submit that this case presents an important question of Federal Constitutional Law which has not been but ought to be decided by this Honorable Court and conflicts with prior opinions. For these reasons the Petitioners pray that this Honorable Court will issue the writ of certiorari and review the decision and opinion of the Honorable Court of Appeals and on such review will reverse the decision of said Court.

Respectfully submitted,

/S/

CHARLES A. GRADDICK
ATTORNEY GENERAL

/S/

JOSEPH G. L. MARSTON, III
ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF SERVICE

I, Joseph G. L. Marston, III, an Assistant Attorney General of Alabama, a member of the Bar of the Supreme Court of the United States and one of the Attorneys for Sheriff Snead and Forrest Dobbins, Petitioners, do hereby certify that on this 28th day of May, 1981, I did serve the requisite number of copies of the foregoing on the Attorney for J. L. Stringer, Respondent, by mailing same to him, first class postage prepaid and addressed as follows:

Honorable Charles A. Sullins
Attorney at Law
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/s/
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